

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SKY TERRACE CONDOMINIUM OWNERS
ASSOCIATION, a Washington nonprofit
corporation;

Plaintiff,

vs.

GENERAL CASUALTY COMPANY OF
WISCONSIN, a foreign company;

Defendant.

Case No. 3:24-cv-05701-BHS

SECOND STIPULATED MOTION TO
STAY AND ORDER

NOTE FOR MOTION CALENDAR:
MARCH 24, 2025

I. RELIEF REQUESTED

All parties to this action (the “Parties”) submit this second stipulated motion and the [Proposed] Order to stay proceedings in this action and extend all case deadlines by an additional six months so that the Parties can continue to participate in an early resolution.

II. STATEMENT OF FACTS

This is an insurance coverage dispute brought by Plaintiff.

III. AUTHORITY AND ARGUMENT

“A district court has the inherent power to stay its proceedings.” *Oregon Mut. Ins. Co. v. Ham & Rye, LLC*, 2010 WL 2787852 at *3 (W.D. Wash. July 14, 2010) (citing *Landis v. North*

1 *American Co.*, 299 U.S. 248, 254 (1936). This power to stay is “incidental to the power inherent
 2 in every court to control the disposition of the causes on its docket with economy of time and
 3 effort for itself, for counsel, and for litigants.” *Id.* A court may enter a stay if it finds “it is
 4 efficient for its own docket and the fairest course for the parties to enter a stay of an action before
 5 it, pending resolution of independent proceedings which bear upon the case.” *Leyva v. Certified*
 6 *Grocers of California, Ltd.*, 593 F.2d 857, 863-64 (9th Cir. 1979). When considering a motion
 7 to stay, the court weighs several competing interests (the “*Landis* factors”): (1) the possible
 8 damage that may result from the granting of the stay; (2) the hardship or inequity that a party
 9 may suffer in being required to go forward; and (3) the orderly course of justice measured in
 10 terms of the simplifying or complicating of issues, proof, and questions of law which could be
 11 expected to result from a stay. *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962) (citing
 12 *Landis*, 299 U.S. at 254-55).

13 The *Landis* factors favor temporarily staying this case as requested by the Parties. First,
 14 because all parties agree a stay is appropriate, no party will be damaged by a stay. Second, if a
 15 stay is not granted, the Parties will expend substantial time and resources litigating a case that all
 16 agree is amenable to early resolution. Finally, if the case can be resolved at an early mediation,
 17 the case will be completed using a minimal amount of the Court’s time. Even partial resolution
 18 could narrow the number of parties and issues, resulting in more efficient litigation of the
 19 remaining issues.

20 IV. CONCLUSION

21 In light of foregoing, IT IS HEREBY STIPULATED AND AGREED, by and among
 22 the Parties, that this action, including all deadlines and dates, should be stayed consistent with
 23 the Order attached to this motion.

1 DATED this 24TH day of March, 2025.

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23 *Owners Association*

ORDER

Based upon the above Stipulation, it is so ordered that said Second Stipulated Motion to Stay is GRANTED. The new case deadlines are as follows:

Event	New Deadline
Deadline for FRCP Conference	October 6, 2025
Initial Disclosure Pursuant to FRCP (26)(a)(1)	October 13, 2025
Combined Joint Status Report and Discovery Plan as Required by FRCP 26(f) and LCR 26(f)	October 20, 2025

DATED this 24th day of March, 2025.



BENJAMIN H. SETTLE
United States District Judge